

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARIAH LOPEZ,

Plaintiff,

-against-

NYC DEPT OF HOMELESS SERVICES, NYC HUMAN
RESOURCES ADMINISTRATION, PROJECT
RENEWAL INC, QPS SECURITY INC, WIN INC,
CHRISTINE C. QUINN,

Defendants.
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NOTICE OF REMOVAL

New York County Supreme
Court

Index No. 100556/2018

18-CV-

**TO THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK:**

Defendants New York City Department of Homeless Services and New York City
Human Resources Administration ("Municipal Defendants"), by their attorney, Zachary W.
Carter, Corporation Counsel of the City of New York, in accordance with 28 U.S.C. §§ 1441 (a)
and (c) and 1446, respectfully state:

1. Municipal Defendants hereby petition this Court for removal of the above-
captioned action, which is now pending in the Supreme Court of the State of New York, County
of New York, bearing Index No. 100556/2018.

2. Plaintiff filed the Summon with Notice with the State Court on or about April
26, 2018. A copy of the Summon with Notice is attached hereto as Exhibit A.

3. Plaintiff filed the Complaint with the State Court on or about May 10, 2018.
A copy of the Complaint is attached hereto as Exhibit B. .

4. Plaintiff filed a Request for Judicial Intervention and a motion for an Order To
Show Cause with a TRO with the State Court on or about May 10, 2018. A copy of the Request

for Judicial Intervention and the motion for an Order To Show Cause with a TRO is attached hereto as Exhibit C.

5. On May 11, 2018, plaintiff Mariah Lopez served the undersigned a copy of the Request For Judicial Intervention, the motion for an Order To Show Cause with a T.R.O., the Summons with Notice, and the Complaint, all of which had been filed with the Supreme Court of the State of New York, County of New York, bearing Index No. 100556/2018. The undersigned accepted service of process on behalf of the Municipal Defendants on May 11, 2018.

6. On May 11, 2018, Plaintiff and the undersigned appeared before the Honorable James E. d'Auguste, Justice of the Supreme Court of the State of New York, County of New York and argued Plaintiff's motion for a T.R.O. At that time, the undersigned submitted opposition to the requested T.R.O. A copy of that opposition is attached hereto as Exhibit D.

7. On May 11, 2018, Justice d'Auguste heard argument and denied the motion for a T.R.O. and established a briefing schedule for a motion for a Preliminary Injunction. A copy of Justice d'Auguste's decision is attached hereto as Exhibit E.

8. Upon information and belief, the papers identified above constitute all of the papers that have been filed in the State Court under Index Number 100556/2018.

9. This action is removable to this Court pursuant to 28 U.S.C. §§ 1441 (a) and (c) because the Complaint alleges that Municipal Defendants have violated Plaintiff's rights under the federal Americans with Disabilities Act, the federal Fair Housing Act; Title VI of the 1964 Civil Rights Act; Section 504 of the federal Rehabilitation Act; and the First and Fourteenth Amendments of the United States Constitution and 42 U.S.C. § 1983. *See* Ex. B, Complaint, at 12-13.

10. This Court has original jurisdiction of the foregoing federal claim under the provisions of 28 U.S.C. § 1331.

11. The within Notice of Removal is hereby filed within thirty (30) days of Plaintiff's service of the Summons with Notice and the Complaint upon the Municipal Defendants, which service occurred on May 11, 2018.

12. All defendants consent to the removal of the above captioned action, although the non-Municipal Defendants have not been served with process and do not waive any rights by consenting to the removal.

NOTICE OF RELATED PENDING ACTION

13. The within action is related to a previously filed and still pending action in this Court, presently assigned to the Honorable Valerie E. Caproni, and bearing Civil Action No. 17-CV-3014 (VEC)(OTW), in which Plaintiff is suing defendant New York City and Project Renewal, Inc. The within action and the related pending action arise from the same transactions and events and are related within the meaning of Rule 13 of the Southern District Rules for the Division of Business Among District Judges.

14. Municipal Defendants will promptly serve a copy of this Notice of Removal on Plaintiff, and will file a copy of this Notice of Removal with the Clerk of the Supreme Court of the State of New York, County of New York, pursuant to 28 U.S.C. §1446(d).

15. Municipal Defendants reserve all claims and defenses, including, without limitation, those set forth in Rule 12(b) of the Federal Rules of Civil Procedure.

WHEREFORE, Municipal Defendants respectfully request that the above-captioned action now pending in the Supreme Court of the State of New York, County of New York, be removed therefrom to this Court.

Dated: New York, New York
May 14, 2018

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